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Attorney's Docket N . U 011415-0

CHAPTER II

**IN THE UNITED STATES ELECTED OFFICE (EO/US)**

PCT/AU96/00149 15 MARCH 1996 16 MARCH 1995

INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY CLAIMED  
ANTIGEN COMPOSITION AGAINST MYCOPLASMA

TITLE OF INVENTION 1. JOHN WALKER  
2. ROGAN LEE  
APPLICANT(S) 3. STEPHEN WILLIAM DOUGHTY

Box PCT  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
ATTENTION: EO/US

**COMPLETION OF FILING REQUIREMENTS FOR INTERNATIONAL  
APPLICATION ENTERING U.S. NATIONAL STAGE IN U.S. ELECTED  
OFFICE (EO/US) UNDER 35 USC 371**

(check and complete the applicable item, if applicable)

- ☒ This replies to the Notice of Missing Requirements under 35 U.S.C. 371 and 37 CFR 1.495 (FORM PCT/DO/EO/905).
- ☒ A copy of FORM PCT/DO/EO/905 accompanies this response.

**WARNING:** Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 CFR 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 CFR 108(2)(xi).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 USC 371. Otherwise, the submission will be considered as being made under 35 USC 111. 37 CFR 1.495(g).

**CERTIFICATE UNDER 37 CFR 1.10**

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date Dec. 9, 1997, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Mailing Label Number E1528037809US, addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Geraldine Marti  
(type or print name of person mailing paper)

*Geraldine Marti*

Signature of person mailing paper

**NOTE:** Each paper referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.16(b).

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

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## DECLARATION OR OATH

- I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: For surcharge fee for filing declaration after filing date complete item IV(3)

NOTE: Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If the identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

NOTE: 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT

- II. (complete as applicable)

- ☐ An amendment in accordance with 37 CFR § 1.121 is attached.
- ☐ The attached amendment cancels claims \_\_\_\_\_ inclusive.

## TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- III. ☐ Submitted herewith is a English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 CFR 1.495(c))

NOTE: For fee for processing a non-English application, complete item IV(4).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

NOTE: Unlike the filing of an ordinary non-English application (37 CFR 1.52(d)), the translation of an international application entering the U.S. national phase need not be verified. 37 CFR 1.495(c). If necessary, however, a verified translation may be required. 37 CFR 1.495(c). Moreover, if the English translation is filed within 30 months from the priority date, no processing fee is required.

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## FEES

### IV.

**NOTE:** The fees for claims and surcharge fees listed below in items 1 and 2 are reduced by 50% where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid, but a verified statement is filed within 2 months of the date of timely payment of a fee, then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

1. Fees for claims

- ☐ each independent claim in excess of 3  
(37 CFR 1.492(b))—\$78.00 small entity—\$39.00 \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
(37 CFR 1.492(c))—\$22.00; small entity—\$11.00 \$ \_\_\_\_\_
- ☐ multiple dependent claims(s)  
(37 CFR 1.492(d))—\$250.00 small entity—\$125.00 \$ \_\_\_\_\_

2. Surcharge fees

- ☐ surcharge set forth in 37 CFR 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ \_\_\_\_\_

**NOTE:** The processing fee in the next item 3 below is not subject to a reduction for small entity status.

3. ☒ processing fee set forth in 37 CFR 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00 \$ 130.00

**Total fees**

\$ \_\_\_\_\_

## SMALL ENTITY STATUS

V. ☐ A verified statement that this filing is by a small entity

**NOTE:** If an original verified statement and a refund request are filed within two months of the date of payment of a fee, then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

(check and complete applicable items)

- ☐ is attached.
- ☐ A separate refund request accompanies this paper.

## EXTENSION OF TIME

(complete (a) or (b), as applicable)

### VI.

The proceedings herein are for a patent application. Accordingly, the provisions of 37 CFR § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a)-(d), for the total number of months checked out below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 900.00	\$ 450.00
<input type="checkbox"/> four months	\$1,400.00	\$ 700.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

### VII.

The total fee due is:

Completion fee(s) \$ 130.00

Extension fee (if any) \$ \_\_\_\_\_

TOTAL FEE DUE \$ 130.00

## PAYMENT OF FEES

### VIII.

- ☒ Enclosed is a check in the amount of \$ 130.00.
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.
- ☐ A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

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## AUTH RIZATI N TO CHARGE ADDITIONAL FEES

IX.

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

**WARNING:** "Submission of the appropriate extension fee under CFR 1.136(a) is to no avail unless a request or petition for extension is filed." Notice of November 5, 1985 (1060 O.G. 27).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425

☒ 37 CFR 1.492(a)(1), 1.492(a)(4) (filing fees)

☐ 37 CFR 1.492(b), (c), and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

**NOTE:** 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

☐ 37 CFR 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

**WARNING:** It would be wise to always check this last authorization.

SIGNATURE OF ATTORNEY

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Tel. No.: ( )

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